



01/25/2023

CT Log Number 543091435

Service of Process Transmittal Summary

TO: Jack Tamburello
MARRIOTT INTERNATIONAL, INC.
7750 WISCONSIN AVE
BETHESDA, MD 20814-3522

RE: Process Served in Georgia

FOR: MARRIOTT INTERNATIONAL, INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: David Mitchell // To: MARRIOTT INTERNATIONAL, INC.

DOCUMENT(S) SERVED: Summons, Complaint, Case Filing Information Form

COURT/AGENCY: Gwinnett County State Court, GA
Case # 23C00420S2

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition - 03/07/2021

PROCESS SERVED ON: C T Corporation System, Lawrenceville, GA

DATE/METHOD OF SERVICE: By Process Server on 01/25/2023 at 10:47

JURISDICTION SERVED: Georgia

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of the day of service

ATTORNEY(S)/SENDER(S): Roger W. Orlando
THE ORLANDO FIRM, P.C.
315 West Ponce De Leon Ave., Suite 400
Decatur, GA 30030
(404) 373-1800

ACTION ITEMS: CT has retained the current log, Retain Date: 01/26/2023, Expected Purge Date: 01/31/2023

Image SOP

Email Notification, Randi Neches Randi.Neches@Marriott.com

Email Notification, Reine Blackwell-Moore reine.blackwell@marriott.com

Email Notification, Eleni Planzos eleni.planzos@marriott.com

Email Notification, Matthew Casassa matthew.casassa@marriott.com

Email Notification, Margaret Dakan margaret.dakan@marriott.com

Email Notification, Michael Martinez michael.martinez@marriott.com

Email Notification, Theresa Coetzee Theresa.Coetzee@marriott.com

Email Notification, Dave Bell dave.bell@marriott.com

Email Notification, Margot Metzger margot.metzger@marriott.com



CT Corporation
Service of Process Notification

01/25/2023

CT Log Number 543091435

Email Notification, Jack Tamburello jack.tamburello@marriott.com

REGISTERED AGENT CONTACT:

C T Corporation System
289 S. Culver St.
Lawrenceville, GA 30046
800-448-5350
MajorAccountTeam1@wolterskluwer.com

REMARKS:

The documents received have been modified to reflect the name of the entity being served.

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Wed, Jan 25, 2023
Server Name: Drop Service

Entity Served	MARRIOTT INTERNATIONAL, INC.
Case Number	23-C-00420-S2
Jurisdiction	GA

Inserts		



IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

David Mitchell

12803 Rexford Avenue

Cleveland, OH 44105

PLAINTIFF

CIVIL ACTION
NUMBER: **23-C-00420-S2**

VS.

Marriott International, Inc.

c/o Corporation Service Company

289 S. Culver Street, Lawrenceville, GA 30046

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Roger W. Orlando
315 West Ponce De Leon Ave., Suite 400
Decatur, GA 30030

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This **23rd** day of **January**, 20**23**.

Tiana P. Garner
Clerk of State Court

Mary Buff

By

Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

SC-1 Rev. 2011

EXHIBIT A

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

DAVID MITCHELL,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES,
INC., dba ATLANTA MARRIOTT
SUITES MIDTOWN, MARRIOTT
INTERNATIONAL, INC., AND
JOHN DOES 1 to 50

Defendant.

CIVIL ACTION FILE

23-C-00420-S2

No. _____

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Plaintiff David Mitchell, by his attorneys, The ORLANDO Firm,
P.C., and hereby files his Complaint, showing this Honorable Court as follows:

1.

Marriott Hotel Services, Inc., (MHS) dba Atlanta Marriott Suites Midtown is a Delaware limited liability company licensed to do business in Georgia and may be served with process via its Registered Agent, CT Corporation System, located at 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia 30046.

2.

Jurisdiction is proper in this Court.

3.

Venue is proper in this Court.

EXHIBIT A

4.

On March 7, 2021, Mr. David Mitchell was a business invitee, staying at Atlanta Marriott Suites Midtown, at 35 14th Street NE, Atlanta, GA 30309.

5.

At the above date and location, Mr. Mitchell sustained serious injury when the ceiling collapsed above him while he was utilizing the room's shower.

6.

Defendant was negligent in the operation and maintenance of its premises and approaches.

7.

Defendant knew of the hazardous/unsafe condition of its premises.

8.

In the alternative, Defendant should have known of the hazardous/unsafe condition of its premises.

9.

Mr. Mitchell did not have equal knowledge of the hazardous/unsafe condition of the Defendant's premises.

10.

The aforesaid incident was caused solely and wholly through the negligence of the Defendant and its employees/agents, without any negligence on the part of the Mr. Mitchell contributing thereto.

11.

As the direct and proximate result of the Defendant's negligence, as aforesaid, Mr. Mitchell has suffered and continues to suffer from personal injuries, was forced to seek medical treatment and incurred expenses therefrom, suffered loss of earnings and suffered pain.

12.

The Defendant is indebted to Mr. Mitchell in an amount to be shown by the evidence at trial for Mr. Mitchell's medical expenses, loss of earnings, pain and suffering caused by the Defendant's negligence.

13.

As a direct and proximate result of the Defendant's negligence, Defendant is indebted to Mr. Mitchell for his medical bills, pain and suffering, and future medical bills.

WHEREFORE, Plaintiff prays:

- (a) That summons issue requiring Defendants to be and appear in this Court within the time provided by law to answer this Complaint.
- (b) That Plaintiff have Judgment against Defendants for a just and equitable sum that will fairly and adequately compensate Plaintiff for the loss and damages Plaintiff has sustained and will sustain, plus interest as provided by law and costs of Court; and

(c) For such other and further relief as the Court deems just and proper.

This 16th day of January 2023.

THE ORLANDO FIRM, P.C.

/s/ Roger W. Orlando

ROGER W. ORLANDO
Ga. State Bar No. 554295

Decatur Court
Suite 400
315 W. Ponce de Leon Avenue
Decatur, Georgia 30030
(404) 373-1800

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett State Court County

For Clerk Use Only

Date Filed _____
MM-DD-YYYYCase Number 23-C-00420-S2

Plaintiff(s)

Mitchell, David

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Defendant(s)

Marriott Hotel Services, Inc dba Atlanta Marriott Suites Midtown

Marriott International, Inc

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney Roger W. OrlandoState Bar Number 554295Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contempt/Modification/Other Post-Judgment
☐ Contract
☐ Garnishment
☒ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required _____

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

DAVID MITCHELL,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,
dba ATLANTA MARRIOTT SUITES
MIDTOWN, MARRIOTT
INTERNATIONAL, INC., and JOHN DOES
1-50

Defendants.

CIVIL ACTION FILE
NO. 23-C-00420-S2

Jury Trial Demanded

**DEFENDANT MARRIOTT HOTEL SERVICES, INC.'S ANSWER TO PLAINTIFF'S
COMPLAINT**

Defendant Marriott Hotel Services, Inc. ("Defendant"), having been named as a Defendant in the above-styled civil action, hereby files its Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint ("Complaint"), showing this Honorable Court as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant upon which relief can be granted.

SECOND DEFENSE

To the extent as may be shown by the evidence through discovery, Defendant avers the affirmative defenses found in O.C.G.A. § 9-11-8(c).

THIRD DEFENSE

Defendant asserts that any alleged hazard was open and obvious and, therefore, Plaintiff is barred from recovery.

FOURTH DEFENSE

To the extent shown in discovery, Defendant asserts that Plaintiff's recovery must be reduced or barred based on Plaintiff's own comparative negligence.

FIFTH DEFENSE

To the extent shown in discovery, Defendant asserts that Plaintiff assumed the risk of injury and is, therefore, barred from recovery.

SIXTH DEFENSE

To the extent shown in discovery, Plaintiff had equal or superior knowledge of the alleged hazard and is, therefore, barred from recovery.

SEVENTH DEFENSE

The damages that Plaintiff seek to recover were caused in whole or in part by the acts or omissions of persons other than Defendant, over whom Defendant has no control, or by the superseding intervention of causes outside of Defendant's control. In compliance with O.C.G.A. § 51-12-33(d), Defendant hereby gives notice of its intent to assert at trial that a nonparty or nonparties were wholly or partially at fault. Defendant is not aware of specific information related to the role of said nonparties, if any, but will supplement this defense as information becomes available in the course of discovery.

EIGHTH DEFENSE

Defendant asserts that it is improperly identified in the Complaint.

NINTH DEFENSE

Defendant gives notice that it intends to rely upon and invoke any other defense that may become available or appear during the discovery proceedings in this case and reserves its right to amend this Answer to assert any such defense.

ANSWER

1.

Defendant denies the allegations contained in Paragraph 1 as stated. Defendant's correct name is Marriott Hotel Services, LLC, and may be served through its registered agent CT Corporation System located at 289 S. Culver Street, Lawrenceville, Georgia 30046.

2.

Defendant denies the allegations contained in Paragraph 2 as stated.

3.

Defendant denies the allegations contained in Paragraph 3 as stated.

4.

In response to Paragraph 4, Defendant admits, upon information and belief, that Plaintiff was staying at the Atlanta Marriott Midtown Suites located at 35 14th Street NE, Atlanta, Georgia, 30309. The remaining allegations contained in Paragraph 4 draw a legal conclusion that do not require a response from Defendant. To the extent a response is required, Defendant denies same as stated.

5.

Defendant is without sufficient information to form a belief as to the allegations contained in Paragraph 5 and, therefore, denies same as stated.

6.

Paragraph 6 draws a legal conclusion that does not require a response from Defendant. To the extent a response is required, Defendant denies same as stated.

7.

Defendant denies the allegations contained in Paragraph 7 as stated.

8.

Defendant denies the allegations contained in Paragraph 8 as stated.

9.

Defendant denies the allegations contained in Paragraph 9 as stated.

10.

Paragraph 10 draws a legal conclusion that does not require a response from Defendant. To the extent a response is required, Defendant denies same as stated.

11.

Paragraph 11 draws a legal conclusion that does not require a response from Defendant. To the extent a response is required, Defendant denies same as stated.

12.

Paragraph 12 draws a legal conclusion that does not require a response from Defendant. To the extent a response is required, Defendant denies same as stated.

13.

Paragraph 13 draws a legal conclusion that does not require a response from Defendant. To the extent a response is required, Defendant denies same as stated.

14.

To the extent that the allegations contained in the unnumbered paragraph beginning “WHEREFORE” (including subparts (a) through (c)) require a response, the allegations are denied. Furthermore, each and every allegation and inference contained in Plaintiff’s Complaint, which is not specifically admitted, is denied.

WHEREFORE, having fully answered Plaintiff’s Complaint, Defendant respectfully requests the following:

- (a) that Plaintiff's Complaint be dismissed;
- (b) that Defendant be discharged from this action and from all liability arising hereunder;
- (c) that all costs be cast upon Plaintiff;
- (d) that a trial by jury of twelve (12) be had on all issues triable, including liability, causation and damages; and
- (e) that the Court renders such other and further relief that it deems just and proper.

Respectfully submitted this 24th day of February, 2023.

HALL BOOTH SMITH, P.C.

/s/Paul B. Trainor

Paul B. Trainor

Georgia Bar No. 641312

Billy Fawcett

Georgia Bar No. 528289

*Attorneys for Defendants Marriott Hotel
Services, Inc. and Marriott International, Inc.*

191 Peachtree Street NE, Suite 2900

Atlanta, GA 30303-1775

T: 404.954.5000

F: 404.954.5020

ptrainor@hallboothsmith.com

bfawcett@hallboothsmith.com

**IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

DAVID MITCHELL,

Plaintiff,

v.

MARRIOTT HOTEL SERVICES, INC.,
dba ATLANTA MARRIOTT SUITES
MIDTOWN, MARRIOTT
INTERNATIONAL, INC., and JOHN DOES
1-50

Defendants.

CIVIL ACTION FILE
NO. 23-C-00420-S2

Jury Trial Demanded

CERTIFICATE OF SERVICE

I hereby certify that on this day I have served a copy of the within and foregoing **DEFENDANT MARRIOTT HOTEL SERVICES, INC.'S ANSWER TO PLAINTIFF'S COMPLAINT** upon all parties to this matter electronically via E-Filing system and/or by depositing a true and correct copy of same in the United States Mail, in a properly addressed envelope with adequate postage thereon to all counsel of record as follows:

Roger W. Orlando
The Orlando Firm, P.C.
Decatur Court
Suite 400
315 W. Ponce de Leon Avenue
Decatur, Georgia 30030
Roger@orlandofirm.com
Counsel for Plaintiff

Respectfully submitted this 24th day of February, 2023.

HALL BOOTH SMITH, P.C.

/s/ Paul B. Trainor

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Defendant asserts that it is not a proper party to this action.

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/s/Paul B. Trainor

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Georgia Bar No. 641312

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Roger W. Orlando
The Orlando Firm, P.C.
Decatur Court
Suite 400
315 W. Ponce de Leon Avenue
Decatur, Georgia 30030
Roger@orlandofirm.com
Counsel for Plaintiff

Respectfully submitted this 24th day of February, 2023.

HALL BOOTH SMITH, P.C.

/s/ Paul B. Trainor

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Billy Fawcett

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*Attorneys for Defendants Marriott Hotel
Services, Inc. and Marriott International, Inc.*